

REMARKS

Claims 1-3, and newly added Claim 4, are pending herein.

1. The drawings, filed with the application on July 21, 2003, were objected to for informalities noted on the Notice of Draftsperson's Patent Drawing Review. Attached hereto is one (1) sheet of formal drawings depicting Figures 1A and 1B and overcoming the informalities noted by the Draftsperson. Entry of same and withdrawal of the objection in this regard are respectfully solicited.

2. Claim 1 was objected to for a minor informality, and Claims 1-3 were rejected under 35 U.S.C. § 112, second paragraph. Claim 1 has been amended to overcome the informality and to overcome the rejection under § 112. Claims 1-3 are believed to be in full compliance. Therefore, it is respectfully requested that the objection of Claim 1, and rejection of Claims 1-3 under 35 U.S.C. § 112, second paragraph, be withdrawn.

3. Applicant notes with appreciation the Examiner's indication that Claim 3 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims. Newly added Claim 4 includes the subject matter of allowable Claim 3 and intervening Claim 2. Therefore, it is respectfully submitted that Claim 4 is allowable.

4. Claims 1-2 were rejected under 35 U.S.C. § 102(b) over Corley (U.S. Patent 1,150,999). For the reasons discussed below, this rejection is respectfully traversed.

The present invention is directed to a tree limb folding apparatus, which includes, *inter alia*, a generally annular tubular frame having a forward gap for receiving a tree trunk. Means for selectively opening and closing the forward gap, includes an internal channel through the tubular frame, a part-circular slider tube within the channel, and hydraulic means for rotating the slider tube within the internal channel of the tubular frame. It is respectfully submitted that Corley does not teach or suggest the claimed tree limb folding apparatus.

Corley discloses a locking device for retaining relatively movable parts of a vehicle, and more particularly for retaining and locking the starting crank handle of an automobile or the like (see Page 1, line 9-14 of Corley). The Corley locking device includes a handle 23 for opening or closing the opening 19 in the yoke arm 17 (see Figures 4-6 and Page 1, lines 65 to 101 of Corley). In other words, Corley device is operated manually. In contrast, the claimed tree limb folding apparatus includes hydraulic means for rotating the slider tube within the internal channel of the tubular frame. Moreover, there is no suggestion in Corley for providing a hydraulic mechanism for opening or closing its yoke arm. Therefore, it is respectfully submitted that Claims 1-2 are neither anticipated by nor obvious over Corley.

It is further respectfully submitted that Corley teaches a device for locking movable parts from rattling (see Page 1, lines 61-62 of Corley). On the other hand, the claimed invention is directed to temporarily holding a tree limb for folding purposes. Even further, the Corley device is made by bolting together two castings.

The claimed apparatus includes two tubular members, wherein one is seated within the other for rotational movement therethrough. Therefore, it is respectfully submitted that the structure and objective of the claimed tree limb folding apparatus are completely different from those of Corley. Accordingly, it is respectfully submitted that Claims 1-2 are neither anticipated by nor obvious over Corley. The rejections of Claims 1-2 under 35 U.S.C. § 102(b) over Corley is therefore respectfully to be withdrawn.

CONCLUSION

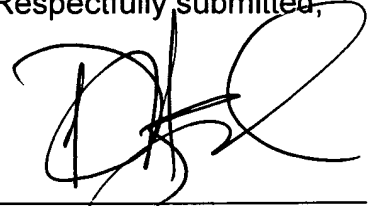
For the foregoing reasons, it is respectfully submitted that Claims 1-4 are in condition for allowance. Withdrawal of all the objections and rejections and allowance of these claims are respectfully solicited.

It is believed that no additional fee is due for this submission. However, should that determination be incorrect, the Commissioner is hereby authorized to charge any deficiencies, or credit any overpayment, to our Deposit Account No. 01-0433, and notify the undersigned in due course.

Appl. No.: 10/622,828
Amdt. dated May 3, 2005
Reply to Office Action of January 10, 2005

Should the Examiner have any questions or wish to discuss further this matter, please contact the undersigned at the telephone number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'D. Agarwal', written over a horizontal line.

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